

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

VLADISLAV KLYUSHIN
Defendant

CRIMINAL NO. 21-cr-10104-PBS

**MOTION TO PRECLUDE TESTIMONY OF SURPRISE GOVERNMENT WITNESS
OR FOR OTHER RELIEF**

On Fri. Feb. 3, roughly halfway through a projected two-week trial, the government announced to the Court and defense its intent to present “surprise” venue testimony – from a witness not appearing on its witness list, due back on Jan. 23 – early next week. T. 5-95 (quoting the Court). This decree followed the government’s producing new discovery the night before and then introducing an exhibit – 267 – from that discovery on highly technical matters: venue and the location of an IP address in late Oct. and early Nov. 2018.

The government has been investigating this case since Sep. 2019. It charged Mr. Klyushin in Mar. 2021. Four-and-half years have passed since the investigation began – and nearly 22 months since Mr. Klyushin was charged and arrested. The investigation generated millions of records. In fact, the enormous volume of discovery and its late production to the defense forced the Court to postpone the trial from Oct. 2022 to Jan. 2023.

It’s no newsflash that venue is an issue in this case. To the contrary, the government has “known” that venue is an issue from the “get-go,” as the Court noted on the record the other day. T. 4-85. Nevertheless, the government continues to try to surprise the defense with new documents – and now a surprise witness. The defense was built based on the discovery the

2/16/23
Denied at trial
Pursuant to Same

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